**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF TEXAS**
**DALLAS DIVISION**

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|---|---|---|
| UNITED STATES OF AMERICA, | § | |
| | § | |
| v. | § | Case Number: 3:19-CR-00611-M |
| | § | |
| DAVID MARTINEZ MARTINEZ (1), | § | |
| | § | |
| Defendant. | § | |

**REPORT AND RECOMMENDATION**
**CONCERNING PLEA OF GUILTY**

**DAVID MARTINEZ MARTINEZ (1)**, by consent, under authority of United States v. Dees, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to **Count 1 of the Indictment.** After cautioning and examining DAVID MARTINEZ MARTINEZ (1) under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted, and that DAVID MARTINEZ MARTINEZ (1) be adjudged guilty of **18 U.S.C. §§ 922(g)(5)(B) and 924(a)(2):Possession of a Firearm by a Prohibited Person** and have sentence imposed accordingly. After being found guilty of the offense by the district judge,

☑ The defendant is currently in custody and should be ordered to remain in custody.

☐ The defendant must be ordered detained pursuant to 18 U.S.C. § 3143(a)(1) unless the Court finds by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released.

☐ The Government does not oppose release.
☐ The defendant has been compliant with the current conditions of release.
☐ I find by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released and should therefore be released under § 3142(b) or (c).

☐ The Government opposes release.
☐ The defendant has not been compliant with the conditions of release.
☐ If the Court accepts this recommendation, this matter should be set for hearing upon motion of the Government.

☐ The defendant must be ordered detained pursuant to 18 U.S.C. § 3143(a)(2) unless (1)(a) the Court finds there is a substantial likelihood that a motion for acquittal or new trial will be granted, or (b) the Government has recommended that no sentence of imprisonment be imposed, or (c) exceptional circumstances are clearly shown under § 3145(c) why the defendant should not be detained, and (2) the Court finds by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released.

Date: June 16, 2020.

UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).